

19.03.2024
Sl. No.72
akd
[ALLOWED]

C. R. M. (DB) 870 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 12.03.2024 in connection with Hirbandh Police Station Case No.42 of 2022 dated 09.08.2022 under Sections 498A/304B/302/341 of the Indian Penal Code and subsequently charge sheet submitted under Sections 498A/304B/406/34 of the Indian Penal Code. (G.R. Case No.441 of 2022)

And

In Re: ***Shibnath Kumbhakar***

... .. Petitioner

Mr. Rhiddhiman Mukherjee
Mr. Arkaprabho Roy

... .. for the petitioner

Mr. Anand Kesari

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than one year and seven months. It is further submitted vital witnesses have been examined. Their depositions are general and omnibus. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. Victim-housewife died due to hanging which ordinarily indicates suicidal death. Vital witnesses have already been examined. There is no chance of abscondence or tampering with evidence. Possibility of trial concluding in the near future is bleak. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely ***Shibnath Kumbhakar***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of

whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Khatra, Bankura subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

5. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)